

68-3-12. Rules of construction.

(1) (a) In the construction of a statute in the Utah Code, the general rules listed in this Subsection (1) shall be observed, unless the construction would be:

- (i) inconsistent with the manifest intent of the Legislature; or
- (ii) repugnant to the context of the statute.
- (b) The singular includes the plural, and the plural includes the singular.
- (c) A word used in one gender includes the other gender.
- (d) A word used in the present tense includes the future tense.
- (e) In accordance with Title 46, Chapter 4, Part 5, Electronic Records in Government Agencies, a word related to the medium used in the provision of a government service may include an electronic or other medium.

(f) "Include," "includes," or "including" means that the items listed are not an exclusive list, unless the word "only" or similar language is used to expressly indicate that the list is an exclusive list.

- (g) "May" means that an action is authorized or permissive.
- (h) "May not" means that an action is not authorized and is prohibited.
- (i) "Must" means, depending on the context in which it is used, that:
 - (i) an action is required or mandatory;
 - (ii) an action or result is compelled by necessity;
 - (iii) an item is indispensable; or
 - (iv) an action or event is a condition precedent to:
 - (A) the authority to act;
 - (B) a prohibition;
 - (C) the accrual or loss of a right; or
 - (D) the imposition or removal of an obligation.
- (j) "Shall" means that an action is required or mandatory.

(2) (a) Except as provided in Subsection (2)(b) or (c), the use of the following terms in the Utah Code is strongly discouraged:

- (i) "shall not";
- (ii) "should not";
- (iii) "must not"; or
- (iv) "but not limited to" after "include," "includes," or "including."

(b) A term described in Subsection (2)(a) may be used when unusual circumstances exist that require the use of the term, including the use of the term:

- (i) in an interstate compact; or
- (ii) to ensure consistency with a federal law or rule.

(c) (i) Except as provided in Subsection (2)(c)(ii), the use of the word "should" is strongly discouraged.

(ii) The word "should" may be used to:

(A) refer to a recommended action, including a provision that a person shall or may recommend whether an action "should" be taken;

(B) indicate an expected standard of knowledge, including a provision that a person "should" know:

- (I) whether a fact exists; or
- (II) that an action is likely to cause a specified result; or
- (C) refer to a determination as to whether an action "should" have occurred.

(d) The use of the word "must" is strongly discouraged when the term "shall" can be used in its place.

Amended by Chapter 254, 2010 General Session